



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/591,385

05/31/2007

Michael J. Wynne

G40.2-13340

1895

490 7590 10/25/2011
VIDAS, ARRETT & STEINKRAUS, P.A.
SUITE 400, 6640 SHADY OAK ROAD
EDEN PRAIRIE, MN 55344

EXAMINER

WRIGHT, BRYAN F

ART UNIT

PAPER NUMBER

2431

MAIL DATE

DELIVERY MODE

10/25/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/591,385	Applicant(s) WYNNE ET AL.	
	Examiner BRYAN WRIGHT	Art Unit 2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/2/2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1,2,4-12 and 14-22 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1,2,4-12 and 14-22 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAIL ACTION

1. This action is in response to amendment filed on 8/2/2011. Claims 1, 11, 21 and 22 are amended. Claims 3 and 13 are canceled. Claims 1, 2, 4-12 and 14-22 are pending.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11, 12, 14-20 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory “process” under 35 U.S.C. 101 must (1) be tied to particular machine, or (2) transform underlying subject matter (such as an article or material) to a different state or thing. See page 10 of *In Re Bilski* 88 USPQ2d 1385. The instant claims are neither positively tied to a particular machine that accomplishes the claimed method steps nor transform underlying subject matter, and therefore do not qualify as a statutory process. The access control method including steps of authenticating and storing are broad enough that the claim could be completely performed mentally, verbally or without a machine nor is any transformation apparent. For example a purpose can conceivably authenticate another person by looking a photo id that has attribute pertaining to that person and subsequently write information concerning that person on paper and store it in a file cabinet.

Claim 21 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The Examiner notes applicant's claim 21 is drawn to a computer program. The Examiner notes that the MPEP recites that a program not resident to some form of a "computer readable medium" is considered to be non-statutory. Additionally the current office position maintains that the "medium" must be non-transitory.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1, 2, 4-12 and 14-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hearn et al. (US Patent Publication No.2005/0091522 and Hearn hereinafter) in view of Wissenbach et al. (US Patent Publication No. 2004/0243772 and Wissenbach hereinafter) and further in view of Fong et al (US Patent Publication No. 2005/0050175 and Fong hereinafter).

3. As to claims 1, 11, 21 and 22, Hearn teaches a access control system for controlling access to data stored on at least one data storage medium of a computing system (i.e., ...teaches access control for partition storage [par. 140]), the access control system comprising: authentication means to authenticate users permitted to access data stored in the at least one data storage medium (i.e., ...teaches using login credential (e.g., user password) to authenticate a user [par. 138-140], the authentication means authenticating users as a super user (e.g., administrator) or a normal user (e.g., user) (i.e., ...discloses both a administrator and user authentication means [par. 160]); a database arranged to store a separate data access profile file for each user permitted to access data stored in the at least one data storage medium (i.e., ...teaches maintaining data access profiles for each user [par. 158]); wherein each data access profile includes information indicative of the degree of access permitted by the user associated with the data access profile to data stored in the at least one data storage medium (i.e., ...teaches the security device 35 only allows or disallows access to relevant partitions and files within the storage media 21 in conformance with the set user data access profile [par. 151]);

Art Unit: 2431

wherein if a first user is authenticated as a normal user (i.e., ...teaches authenticating a regular user [par. 138-141]),

Hearns teachings do not expressly teach applicant's claim limitations of:

wherein each data access profile includes both a master data access profile and wherein the master data access profile is modifiable by a super user but not by a normal user wherein if a first user is authenticated as a normal user. The Examiner notes in this instance the teaching of prior art reference Wissenbach. Wissenbach's teachings establishes that the concept of maintaining two types of user profiles for a particular user was known at the time of applicant's original filing date. Wissenbach's teachings disclose the use of a customize profile (e.g., current data access profile) or default profile (e.g., master access profile) for a particular user. See Wissenbach paragraphs 33 and 34. Wissenbach's teachings additionally disclosed that a super user can modify a user's profile. See Wissenbach paragraph 33 and 34. Therefore given the system disclosed above by Hearns, a person of ordinary skill in the art would have recognized the advantage of modifying the system to enhance access security for partition storage by employing the Wissenbach's concept of maintaining two profiles for a given user.

The teachings of Hearns and Wissenbach do not expressly teach:

the current data access profile of the first user is being modifiable by the first user within parameters defined by the master data access profile. In this instance the Examiner notes the teachings of prior Fong. Fong discloses allowing profile data to be

Art Unit: 2431

changed within the scope of template profile data (e.g., master access profile).

Additionally the Examiner notes that the applicant discloses in paragraph 45 that the current profile values are modifiable as defined by the master access profile. Therefore given the system disclosed above by Hearn and Wissenbach, a person of ordinary skill would have recognized the advantage of modifying the system to enhance access profile maintainability by employing Fong's capability to allow profile parameter data to be modified in accordance to a base line profile (e.g., master access profile).

4. As to claims 2 and 12, the system of Hearn discloses utilizing profile data for the purpose of access control however the system does not disclose an access control system further comprising profile setting means arranged to facilitate creation of the master and current access profiles. The Examiner notes in this instance the teaching of prior art reference Wissenbach. Wissenbach's teachings establishes that the concept of maintaining two types of user profiles for a particular user was known at the time of applicant's original filings. Wissenbach's teachings disclose the use of a customized profile (e.g., current data access profile) or default profile (e.g., master access profile) for a particular user. See Wissenbach paragraphs 33 and 34. Wissenbach's additionally disclosed that a super user can modify a user's profile. See Wissenbach paragraph 33 and 34. Therefore given the system disclosed above by Hearn, a person of ordinary skill in the art would have recognized the advantage of modifying the system to enhance access security for partition storage by employing the Wissenbach's concept of maintaining two profiles for a given user.

6. 3. (Cancelled).

7. As to claim 4 and 14, the system of Hearn and Wissenback discloses utilizing profile data for the purpose of access control however the system does not disclose a access control system where said access control system is activatable so as to permit modification of the current access profile and deactivatable so as to prevent modification of the current access profile. In this instance the Examiner notes the teachings of prior Fong. Fong discloses allowing profile data to be changed within the scope of template profile data (e.g., master access profile). Additionally the Examiner notes that the applicant discloses in paragraph 45 that the current profile values are modifiable as defined by the master access profile. Therefore given the system disclosed above by Hearn and Wissenback, a person of ordinary skill would have recognized the advantage of modifying the system to enhance access profile usage by employing Fong's capability to allow profile parameter data to be modified in accordance to a base line profile data (e.g., master access profile).

8. As to claims 5 and 15, Hearn teaches an access control system where the access control system is implemented at least in part in the form of software [par. 125].

9. As to claims 6 and 16, Hearn teaches an access control system where the access control system is implemented at least in part in the form of hardware [par. 127].

10. As to claims 7 and 17, Hearn teaches an access control system, wherein the access control system is arranged to govern user access profiles used by a security device configured to control access to a data storage medium (i.e., ...teaches access control for partition storage [par. 140]).

11. As to claims 8 and 18, Hearn teaches an access control system where the security device is implemented at least in part in hardware and is of a type located between a data storage medium of a computing system and a CPU of the computing system [fig. 1].

12. As to claims 9 and 19, Hearn teaches a access control system where the security device is implemented at least in part in hardware and is of a type incorporated into bus bridge circuitry of a computing system [par. 127].

13. As to claims 10 and 20, the system of Hearn and Wissenback discloses utilizing profile data for the purpose of access control however the system does not disclose access control system wherein the access control system is incorporated into a computing system having an operating system and the current access profile is modifiable after loading of the operating system In this instance the Examiner notes the teachings of prior Fong. Fong discloses allowing profile data to be changed within the scope of template profile data (e.g., master access profile). Additionally the Examiner

Art Unit: 2431

notes that the applicant discloses in paragraph 45 that the current profile values are modifiable as defined by the master access profile. Therefore given the system disclosed above by Hearn and Wissenback, a person of ordinary skill would have recognized the advantage of modifying the system to enhance access profile usage by employing Fong's capability to allow profile parameter data to be modified in accordance to a base line profile data (e.g., master access profile).

14. 13. (Cancelled).

Response to Arguments

Examiner Remarks – Specification

The Examiner withdraws the objection to applicant's specification in view of applicant's amendment.

Examiner Remarks - 35 USC § 101

The Examiner withdraws rejection made under 35 USC § 101 for claim 22 in view of applicant's claim and specification amendment.

Examiner Remarks - 35 USC § 112

The Examiner withdraws rejection made under 35 USC § 112 in view of applicant's claim amendment.

Examiner Remarks – 35 U.S.C. 103(a)

1. Applicant Asserts:

“... Wissenbach does not teach a separate data access profile for each user, wherein each data access profile includes both a master data access profile and a current data access profile. Instead, Wissenbach teaches a "storage master" or super user may generate a customized profile (see [[0028]-[0032]]) and "[a]s an alternative to making a customized profile for each user, the system may be programmed with a default profile for each type of user." [[0033]] (emphasis

added). Thus, Wissenbach teaches that each user has a user profile that is either has a customized profile or the default profile for that type of user. The claim instead requires that "a separate data access profile for each user [...] each data access profile includes both a master data access profile and a current data access profile for each user."

The Examiner notes that applicant's above assertion is not a correct characterization of Wissenbach's system. The Examiner notes that Wissenbach discloses a multi-tier system [col.1, lines 50-60.] Moreover Wissenbach discloses that each tier comprises a three different users: a Super User, an Operator and a Monitor. Additionally Wissenbach discloses a user profile for each type of user (e.g. Super User, Operator, Monitor) at each tier. The user profiles are noted to comprise actions for which each user can perform at that particular tier. Referring to figures 6-8 of Wissenbach, it is noted that each figure illustrates the different tiers, the different users and different user profiles. As noted in col. 1, lines 50-60 and subsequently figures 6-8, a top tier has all three user and each user is noted to have three different user profiles. As you move down to the middle tier, it is noted that the middle tier has the same user as the top tier however the user profiles are different. The same is true as you move to Wissenbach's lower tier. Again the users are the same however the user profiles are different with respect to the above two tiers.

Art Unit: 2431

With respect to applicant's assertion that Wissenbach does not teach "data access profile for each user", wherein each data access profile includes both a master data access profile and a current data access profile, The Examiner first notes that is very apparent that the Wissenbach's expressly discloses user profiles for each user (e.g., Super User, Operator, Monitor). Refer to figures 6-8. As such applicant's assertion that Wissenbach does not teach data access profile for each user, is not true. With regards to applicant's assertion that Wissenbah does not teach "wherein each data access profile includes both a master data access profile and a current data access profile", the Examiner notes Wissenbach's tier system is hierarchical comprising a top, middle and lower. At each level a user for example a "Super User" is illustrated to have user profile differing from that of a subsequent level. The top tier illustrates the sum total of actions that a "Super User" can perform. Subsequently if you move down to the middle tier Wissenbach illustrates that the "Super User" is allocated a subset of the total action allocated in the top tier. The Examiner notes that applicant expressly discloses in applicant's abstract that a current data access profile (C) is modifiable within parameters defined by the master data access profile (M). As such Wissenbach's top tier user profile for the Super User is considered equivalent to applicant's Master Profile and Wissenbach's middle tier Super User's profile is considered to be equivalent to applicant's current profile on the basis that the user profile of the Super User at the middle tier is a subset of Super User's profile at the top tier.

Art Unit: 2431

2. With regards to applicant assertion pertaining to Frong, the Examiner notes that Frong's teachings are relied upon for profile modification provisioning in view of a master profile template. See Frong paragraph 19. While both Hearn and Wissenbach's teachings certainly suggest such a feature neither reference is noted to expressly disclose it. With regards to applicant's remarks concerning the applicability of the Frong reference the Examiner notes that the Frong reference expressly establishes the state of the art at the time of applicant's original filing as it pertains to profile configuring based on a master profile. The applicant is reciting provisioning profile data in view of a master profile as novel however Frong teachings clearly disclose the capability to configure secondary profile data based on a master profile template.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRYAN WRIGHT whose telephone number is (571)270-3826. The examiner can normally be reached on 8:30 am - 5:30 pm Monday -Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Flynn Nathan can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2431

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRYAN WRIGHT/
Examiner, Art Unit 2431

/NATHAN FLYNN/
Supervisory Patent Examiner, Art Unit 2431